APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,271	01/22/2004	Michael Chilton Sheasby	011972-0004	2583

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CENTRE CDP CAPITAL	AMIN, JWALANT B	
1001, VICTORIA SQUARE - BLOC E - 8TH FLOOR	ART UNIT	PAPER NUMBER
MONTREAL, QC H2Z 2B7		
CANADA	2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
Office Action Summary		10/761,271	SHEASBY ET AL.
		Examiner	**Art Unit**	
		Jwalant Amin	2628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 January 2004*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-24* is/are rejected.
7) ☒ Claim(s) *9 and 21* is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. However, the examiner would like to point that the date "February 3 2003" referred to for the earlier filed provisional application does not match with the records of the Office. The Office records indicate the filing date of "February 13 2003" for the provisional application 60/446,751.

Appropriate correction is requested for the benefit of an earlier filing date.

Claim Objections

2.   Claims 9 and 21 are objected to because of the following informalities: the word "that" occurring on line 2 is repetitive. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 7 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.   Regarding claims 7 and 19, the phrase "such as" on line 3, renders the claims indefinite because it is unclear whether the limitations following the phrase are part of

the claimed invention. See MPEP § 2173.05(d). For the purpose of prior art rejection,

the examiner interprets that the method is aborted using 'escape' key.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8, 10, 12-20, 22 and 24 are rejected under 35 U.S.C. 102(b) as being

anticipated by Cecco et al. (US 6,310,631 B1; hereinafter referred to as Cecco).

8. Regarding claims 1 and 13, Cecco (fig. 2, fig. 3, figs. 4A-B, col. 2 lines 50-67, col.

3 lines 1-13, col. 4 lines 46-67, col. 5 lines 1-67, col. 6 lines 1-19, col. 11 lines 33-41)

teaches a method and a computer readable medium (data processing system usable

medium) having computer instructions (program/program code) stored thereon for

implementing the method for segmenting (dividing) a region (pane) on a display

(computer display screen) using an input device (user control device such as mouse),

the region composed of a bounded area or volume (Fig. 2 shows panes 6, 7 and 8 are

composed on bounded area), the display including one or more regions within a larger

area or volume (Fig. 2 shows a display screen with a plurality of panes; the display

screen is a larger area containing the smaller panes), the input device capable of

converting a user input (pressing, holding and releasing) into a two or three-dimensional

position (new pane), the method comprising entering an interactive segmenting mode

(interactive step of holding the user control while the cursor is positioned over a grab

handle), then interactively specifying a segmentation of the region with the input device

(moving (dragging) the cursor control to change the size and position of the variable

form in the current pane, and when the user release the control a new pane appears in

the window along with the existing pane), then leaving the interactive segmenting mode

(releasing the user control).

9..   Regarding claim 2 and 14, Cecco (fig. 2, fig. 3, figs. 4A-B, col. 2 lines 66-67, col.

3 lines 1-13, col. 4 lines 55-67, col. 5 lines 1-2) teaches the display further associates a

visual control (divide grab handles/grab handles) with each region which enables

interactive splitting mode (divide function activated via a click and drag action), said

control to be rendered visible either upon selection of the region, upon entry into the

region by a pointing device, or at all times (divide grab handles are displayed at all the

times as shown in figs. 2, 3 and 4A-B).

10.   Regarding claims 3 and 15, Cecco teaches the step of entering and leaving the

interactive segmenting mode comprises pressing a button on a computer mouse over a

visual control associated with one of the selected regions and subsequently releasing

the button (col. 3 lines 4-11, col. 5 lines 33-67, col. 6 lines 1-6).

11.   Regarding claims 4 and 16, Cecco teaches the step of entering and leaving the

interactive segmenting mode comprises a pressing a key on the keyboard and

subsequently releasing it (col. 3 lines 4-11, col. 4 lines 2-7, col. 5 lines 45-52; keyboard

is a type of user control which could be used to press and hold the grab handle and

then later release it).

12.   Regarding claims 5 and 17, Cecco teaches the segmentation of the region is computed by independently sectioning the region into rows and/or columns (pane 6 as shown in fig. 4A is divided into two columns composing panes 6 and 20 as shown in fig. 4B) as a function of the distance from the current pointer position to the position of the pointer as it was when the user entered segmenting mode (fig. 3, figs. 4A-B, figs. 5A-B, col. 5 lines 46-67, col. 6 lines 1-27; when the user presses and holds the grab handle 15 of fig. 3, this position of grab handle 15 is the original position of the pointer; the current pointer position corresponds to the desired new location of the rectangular adjustable shape 19; if cursor is not moved after selecting the grab handles, i.e. no distance is covered, there would be no division of the current pane and no new pane is created; thus dividing the original pane into new pane depends on the distance moved by the pointer).

13.   Regarding claims 6 and 18, Cecco (figs. 3, 4A-B and 5A-B, col. 5 lines 33-67, col. 6 lines 1-27) teaches the segmentation of the region is computer by independently sectioning the region into rows and/or columns (pane 6 as shown in fig. 4A is divided into two columns composing panes 6 and 20 as shown in fig. 4B) as a function of the number of times (one time as illustrated in figs. 3 and 4A-B) the user has pressed keys on the keyboard (as shown in figs. 4A-B, the user presses and holds the user control once (keyboard) to select the grab handles and then later releases it, and thus dividing the original pane into two panes) indicating that horizontal or vertical segmentation should be increased or decreased (figs. 4A-B indicates horizontal segmentation is increased and figs. 5A-B indicates vertical segmentation is increased).

14.   Regarding claims 7 and 19, Cecco teaches the segmentation is applied to the region when the segmenting mode is exited (when the user releases the key the original pane is divided and a new pane is created as shown in figs. 4A-B, col. 6 lines 1-27), and the user is further able to abort segmentation (cancel the insert pane operation), the method for aborting comprising pressing the 'escape' key (ESC key, col. 6 lines 45-48).

15.   Regarding claims 8 and 20, Cecco (figs. 4A-B, col. 5 lines 33-67, col. 6 lines 1-6) teaches the user further receives interactive visual feedback via an overlaid set of lines (rectangular adjustable shape/rubber band rectangle) on the region indicating the actual location of row and/or column divisions (as shown in figs. 4A-B, the rectangular. adjustable shape indicates where the new pane will appear after dividing the original pane 6) that result from his interaction with the input device (the user operates and moves the rectangular adjustable shape to a desired new location by dragging the mouse).

16.   Regarding claims 10 and 22, Cecco teaches the segmentation of the original region(s) (pane 6 in figs. 5A-C) replaces those region(s) with new, independent regions (newly created pane 21) according to the segmentation selected by the user (col. 6 lines 19-27).

17.   Regarding claims 12 and 24, Cecco teaches the segmentation of the original region(s) (pane 6 in figs. 4A-B) is stored as a collection of subregions (the changed and resized pane 6 and the newly created pane 20) of the original region, which continues to exist within the system (col. 6 lines 6-9; pane 6 continues to exist in the system as shown in fig. 4B).

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19.   Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cecco, and further in view of Farrah (US 2004/0030997 A1).

20.   Regarding claims 9 and 21, Cecco discloses all of the claimed limitations as

stated above, except that he does not explicitly teach that the user further receives

interactive visual feedback via an overlaid grid display indicating the number of rows

and/or columns that result from his interaction with the input device. However, Farrah

teaches a graphical user interface (interactive visual feedback) to generate grid that

overlays the area (region) of an electronic document (figs. 21A-B, [0225-0226]; a user

selects the number of horizontal and vertical sub-divisions using selection buttons; the

numbers of horizontal and vertical sub-divisions correspond to the number of

rows/columns). There fore, it would have been obvious to one of ordinary skill in the art

at the time of present invention to generate overlaid grid display to indicate the sub-

division of an area as taught by Farrah and use such graphical user interface into the

method of Cecco because the grid lines allow the area to be sub-divided into a number

of regions which can be selected by a user of GUI in the generation of their artwork

([0225] last four lines).

21.   Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Cecco, and further in view of Moore et al. (US 6,874,128 B1; hereinafter referred to

as Moore).

22.   Regarding claims 11 and 23, Cecco discloses all of the claimed limitations as

stated above, except that he does not explicitly teach that the material contained within

the original region(s) are retained within one of the newly-created regions. However,

Moore teaches to place the content (material) of a content GUI window (original region)

into newly created top pane (newly created region) of the splitter window (col. 6 lines

16-24. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of present invention to retain the content of the original region into the newly

created region as taught by Moore and use it into the method of Cecco because if the

content of the original window is not retained into one of the newly created panes of the

splitter window then that content will be lost.

References Cited

23.   The following references considered by the examiner are related to the current

application:

  • Hargrove (US 5,371,847)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jwalant Amin whose telephone number is 571-272-2455. The examiner can normally be reached on 9:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 571-272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*** J.A. 12|22|06

WESNER SAJOUS
Primary Examiner
A.U. 2628